

Affidavit of Fact and Truth

On 4/21/2001 somewhere around the late afternoon (Not exactly sure about the time) I (Xaiviar Brown) received a knock on my front door from what appeared to be three white (Caucasian) man one of which was standing in front of my front door saying he has some papers he needed to give to me and that he was Joel Bingham from the FBI. He asked me if I was Xavier Brown ,I replied ,whats up .He said he needed to give me some paperwork and I needed to come and talk with me asap! I responded Put It in my mailbox .He asked me what my phone number was and I (Xaiviar Brown) told him my phone number through the door and he called me on his phone and began to tell me that he knows about my theft case I was recently in court for In Franklin Ohio that I just got out of jail on and that he has been investigating me for a while about me stealing from Home Depot and that he needed me to come and talk with him asap at some point about who I might be selling the home depot cards to and that this wont go away anytime soon so I might as well come talk to him to get this over with .I responded, Am I under arrest! He responded No", do to the courts not having court do to the pandemic Covid 19 that he's not taking me in and busting down my door to apprehend me and that the arrest warrant is Suppressed for now and that he was doing me a favor by not arresting me in order for my cooperation . So I should come into his office at some point and talk with him "first" and that I really didn't need an attorney but that I could bring one either way before I answered some questions about who else was involved in the Home Depot theft acts I was committing and it would count as credit in the case and with the prosecutor as cooperation in order to get a better deal for lesser time! He also said someone would be calling me from pretrial services the following week to schedule a time for me to come in to be booked and fingerprinted and that I would most likely be let go because this is not a "violent crime" dependent on my history as well as other factors the courts will look at .I listened, and he hung up ! I (Xaiviar Brown) looked out of my window and noticed at least three Caucasian men in plain clothes walking eastbound on Page Ave. towards Liberty ave . after leaving my house until I could not see any of them anymore. NOTE: There was no vehicles parked in front of my house or in front of any of my neighbor's homes on either side .It appeared that neither of the agents wanted to cause attention to themselves by parking in front of my house at 7910 Page Ave. ,St. Louis, MO. 63133. An attached copy of the arrest warrant and indictment papers along with the FBI's business card will also be attached as proof of what was put inside my secure mailbox left by Joel Bingham the FBI. Agent on 4/21/2001 . See exhibit A attached.

I (Xaiviar Brown) opened my door and unlocked my mailbox with my key to review the paperwork the FBI. agent left inside it to see the warrant and charges. Upon looking at the indictment face paperwork I noticed the very faint appearance of what seemed to be a partial seal (on page 1)stamped on the arrest warrant ,It was an unreadable seal in the middle of the issuing officer's name (Gregory J. Linhares) which seemed odd in my oppinion! After reading through to page 6 of the indictment paperwork I noticed that there was no date signed in the bank spaces for signatures marked or any redacted black smudge indicating that it was ever signed above **the letters marked, TRUE BILL and above spelling marked Foreperson, which seemed odd as well in my opinion.**

On the following Monday Or Tuesday 4/26/2021 or 4/27/2021 the following week I eventually received a phone call on my cell phone afterwards from Susan E. Hendrickson (pretrial Services) telling me, I (Xaiviar brown) needed to give her a date and time I would like to turn myself in and I replied ,why, I need more time to get my affairs in order before I committed to an exact time .She replied that she could give me another week at the most and her job was to process me into jail after I turned myself in .I said ok and she hung up. The following week I called her back to let Susan E. Hedrickson know that I (Xaiviar Brown) needed more time in order to save up enough money in order to hire a decent paid attorney to represent me before I decided to turn myself in to pretrial services, She responded that ,I wouldn't have to worry about hiring legal representation for myself and that the public defenders for the courts are just as good ,if not better than any paid attorney I'll hire , I insisted that I didn't want," under any circumstances", ever want a public defender who works for the courts representing me ! She then responded , "the prosecuting attorney wants it done before the end of the month and that a warrant could be issued for my arrest if I didn't turn myself in immediately . I said ok and hung up !

On 5/10/20021 I (Xaiviar Brown) In response to the warrant and indictment that Joel Bingham placed in my secured (locked) mailbox on the right side of my front door mailed in 6 separate affidavits of special appearance by FedEx Next day mail (direct signature requested) and Living Status to all parties listed on the complaint to (Joel Bingham (FBI. Agent),Linda Lane(prosecuting attorney) ,Gregory J. Linhares (Clerk of Court),Susan Hendrickson(pretrial services) Stephen R. Welby (Magistrate judge) and Ronnie L. White (District Judge).Note: I have sent Ronnie L White (district Judge)the original paperwork of the arrest warrant and indictment paperwork that was left in my locked maibox by Joel Bingham (FBI agent) along with my affidavit of special appearance to be filed on the record inside the clerk of courts office on 4/21/2021 .I also made copies of both the arrest warrants and indictment papers before including them with my affidavit Of Living Status that was mailed out to Ronnie L. White (district Judge) on 5/10/2021 by FEDEX. Next day delivery ,direct signature requested! I also sent copies of the same paperwork left by Joel Bingham(FBI agent) that was left inside my secured mailbox at 7910 Page ave. to Stephen R. Welby as well by FEDEX mail next day certified mail direct signature requested along with a copy of the indictment to be recorded on record as well! I have tracking numbers for all 6 parties mentioned showing all 6 packages were successfully sent and signed for on 5/11/2021 as proof of delivery! See exhibit B attached for all 6 copies of FEDEX receipts for all parties listed above.

1. On 5/11/2021 I (xaiviar Brown) called the federal court(Kelly Shirley) clerk In the Eastern District of Downtown St. Louis Mo. and spoke to her and asked her if she had received my certified mail yet. She responded, no, I haven'tI responded ,I have the certified FEDEX. receipt showing you have received it and she responded ,all mail must go through the downstairs mailroom first

before its delivered to each department and that can take a while .So I said I would try calling her back in a few days or less to verify that she received it in her hand in order to make sure she back dated it properly to the time it was received into the building .She assured me it wouldn't be a problem and I hung up .On 5/12/2021. I called Kelly Shirley the Clerk Of Court back to find out if she had received my affidavit yet. She responded yes I have it and Ill try and file it before my shift ends or it will be filed the next business day for sure ! I responded ok and told her I would be there the next day in order to get a filed Stamped copy of it for my records she said ok and hung up.

2. On Friday 5/14/2021 I(Xaiviar Brown) entered the Thomas F. Eagleton U.S. Courthouse at 111 South 10th. St. ,St. Louis, Mo. 63102 sometime before noon and was told to have a seat to my left after I put my ID. And personal items (car keys ,money etc.) onto the conveyor belt for metal objects going through the security check point before going upstairs to the Clerk of court located on the 3rd. floor .I didn't get any of the US. marshal name's who held my ID. And commanded me to have a seat until further notice .I responded to that officer who held all of my items if I was being detained and he said " No" someone will be with me in a few minutes .In about 5min. three to four Federal agents approached me and demanded me to put my hands behind my back and said your being detained because I have a warrant for my arrest and they didn't know exactly what for but we would have to go upstairs to find out more .
3. After getting off of the elevator I was immediately searched and stripped of any contraband handcuffed both arms to my side and was placed into a cage with other men until the evening .
4. I asked the black guard(booking agent) if I was going to court and he responded No", its too late and that I was going to have to wait until Monday on 5/17/2021 in order to see a judge. There also was a short caucasian white guard who asked me for my social security number and I responded by saying, I am a US. National/state citizen/Foreign national And I do not use a social security number. I was also told that I had to submit to getting my a fingerprints and DNA. test done or They would have a judge order me to submit to taking my DNA. Test by force and that they could get it the easy way or the hard way ...,So I complied.
5. On 5/14/2021 I was shipped to jail (LINCOLN COUNTY JAIL at 65 Buisness Park Dr.,Troy Mo. 63379) over the weekend and was held there until I was sent to go to court on Monday 5/17/2021 early in the morning around 6:30 -9:00am that morning. Note : On every government document I had to sign ,I also included UCC1-308 next to any and all my signatures per the Uniform Commercial Code in which ALL institutions are governed(see my previous filed affidavit next to all signatures because I was given no other alternative way to sign .
6. On 5/17/2021 I (xaiviar brown) was shipped to the Thomas f. Eagleton U.S. Courthouse to appear before court for the accused charges set forth in the indictment left in my mailbox by FBI. Agent Joel Bingham on 4/21/2001 .Upon arriving I was immediately placed into a visitors room and was told to sit tight until someone came in to talk with me. I noticed to sheets of papers already laid out the table ,one titled PRETRIAL SERVICES and the other titled FINACIAL AFFIDAVIT . So immediately I wrote on it the phrase UCC1-308 and all rights reserved in every

place that required a signature . So after awhile a black guy entered on the other side of the room with the metal screen dividing the both of us who identified himself as Chunsey Hunter from Pretrial Services and said he needed to get some information from me before I saw the judge. I (Xaiviar Brown) replied, "I'm not signing anything or consenting to anything before finding out if my affidavit I sent on 5/11/2021 was filed properly. He responded, that has nothing to do with why I'm here, whether it's filed or not, it won't matter, I still need this done if you intend on getting out of jail on bond. I again replied, you can send me back to jail immediately, I don't care what you are saying! I'm not cooperating until I first find out if my affidavit (mailed on 5/11/2021) was filed properly and I would need proof before moving forward! He got up and angrily said, "you think you're a lawyer that's your problem" before exiting the room. I replied back, so because I asked to see proof of my affidavit you think I'm trying to be a lawyer! He left the room. So, some time went by and the same guy from pretrial services reappeared with a document in his hand and held it up to the metal screen as if I could see it clearly and asked, Is this what you are wanting to see! I replied yes" but where is the other document pages that I filed along with it? He replied, don't you recognize that this is your document! I said, It is only the first page, where's the rest of the 20 pages? He became upset and said ..."look man, this isn't my job to run back and forth looking for your court documents you filed. I (Xaiviar Brown) replied, so you bring me one page of my affidavit and you think I'm convinced it's been filed properly. He got up angrily again and exited the room on the other side. Later the same guy reappeared with more documents in his hand and said to me, "I have all your documents here are you satisfied. I immediately asked him if he could have one of the guards send it over so that I could hold them in my hands to review them before we proceeded. So he handed them to someone (I couldn't see who it was) and the same big black guard who processed me in the beginning slid the paperwork underneath the door for my review. I looked them over and blurted out loud, "WHERE IS THE LAST PAGE OF THE AFFIDAVIT I FILED"? We went back and forth for a while about it not being filed lawfully when suddenly, "out of nowhere" the big black guard (same black guard who initially booked me) who handed me the documents yelled through the door, "I got the last page of your affidavit right here in my hand and slid it underneath the door. I looked over the document and noticed that it was the last page of my affidavit filed on 5/11/2021 except it wasn't filed stamped and dated along with the rest of the documents I was holding in my hand. At that point I (Xaiviar Brown) was so frustrated at the whole back and forth situation he was playing with me reviewing all of my documents that I told him I was not interested in consenting to signing anything with him whatsoever! He reminded me that without my cooperation I would not be getting a bond to be considered for release. I replied that's fine! So he asked me what did he want me to tell the judge, I said the truth. So he began to write down on a notepad while also speaking out loud that, I wasn't cooperating with him do to a document that wasn't filed properly on 5/11/2001. I said that fine and he left.

7. Almost immediately, shortly after the pretrial guy left the room the big black guy (same guard who processed me from the beginning) appeared on the other side of the room and began to explain to me that if I needed an attorney to talk to, it was totally free, and I wasn't obligated to hire him but that maybe the attorney could help solve any issues concerning my improperly filed affidavit. I responded... I'm not consenting to any attorney either "out loud"! He insisted I wasn't obligated, and I picked up the phone and dialed the phone sitting in front of him on

speakerphone and a guy answered him .He began telling him my name and situation and the guy who identified himself as Kevin Gau a public offender of the court. Said he was only on the phone to help answer any questions I might have and to explain the process of what was happening before I had to appear before the judge. I angrily said "I'm not a 14th amendment U.S. citizen ,I am a U.S. national /state citizen/foreign national as declared in my affidavit that was improperly filed on 5/11/2021 and I do not want him as my representative ! He responded...This is the process of how this goes and that he was only trying to help me get out ! I responded ;I don't want his help I can represent myself .He then said that's fine ! Ill only be there on the zoom meeting if I needed any questions answered or didn't understand something said . I then said ,so it doesn't matter what I'm proclaiming at this point ,It seems as if I don't have a choice in this matter either way! He said, you can't go in front of a judge without representation Mr. brown. So we went back and forth about it and eventually I told him I'm being upset and exhausted ,I want to go ! So he advised me of what the process was and that he would let the judge know I wanted to represent myself without an attorney and that he was only trying to get me released on bond and that when I got out I could have a better chance at defending myself . I did not understand anything at that point and was very confused and distraught about all of it . So somehow we came to the conclusion that I wasn't going to be released unless I saw the first judge .He hung up the speaker phone and I was later brought into a zoom court hearing by the same big black bold headed guy who processed me into the facility and the same guy who dialed the public defender as well and also the same guy who produced my last document of my affidavit that wasn't filed properly .So ,as I was brought in before the judge ,the prosecuting attorney ,the same pretrial guy, the public defender, and some other female person I didn't recognize on the zoom meeting The judge began asking me my name and I replied ...for the record ,my name is xaiviar from the house of brown and I declare that I am NOT a 14th amendment U.S. citizen I am a U.S. national /a state citizen (I believe the screen went blue at that point while I was declaring my status) , so the judge completely ignored my declaration at that point and began asking me how do I plea after he read off the charges and asked me if I understood the charges and then began the reading of the charges and asking me how I pleaded and immediately the public defender (Kevin Gau) spoke up and said "not guilty your honor and began to control the rest of the interview on my behalf without my permission not allowing me any words to speak to defend myself. I motioned several times by gesture of my hand being raised half way up to him with a hand gesture but was ignored and eventually allowed to talk privately with the public defender to ask him what was happening ,which he explained that because I didn't cooperate with the pretrial guy a motion was filed by the prosecuting attorney to keep me detained and that I would have to have a another hearing in order to see if I can represent myself with out an attorney I . He also told me that if I don't cooperate with the pretrial guy that I would most likely sit in jail until I did .So I (xaiviar brown)without full understanding of everything happening suddenly followed the instructions of the attorney and asked him if he would ask the judge for another date to cooperate with the pretrial services guy in order to be released ,and he said ok and we both went back to joining the zoom meeting .Kevin Gua asked the judge for another hearing and the judge said yes and scheduled another hearing for bond on 5/21/2021 and ordered the pretrial guy to schedule the interview prior to the next hearing in order for me to be seen at the next bond hearing . Judge Welby also held up to the camera a copy of the last page of the indictment document I sent him as well that he

received my documents by certified mail, along with copies of the indictment I sent to all parties listed on indictment that was left in my mailbox by (Joel Bingham) the FBI agent showing both my signature as well as the signature of the notary with her notary stamp showing on the page saying to me... hell make sure the last page of my affidavit gets filed and properly added to the rest of my affidavit with his court clerk , I said ok and the judge asked Kevin Gua and the pretrial services guy if they could get the interview done right now but the big black guy who processed me into the federal jail interrupted them by saying ,he would have to get me back to jail soon he probably wouldn't have time to reschedule another interview now ! I was escorted back to jail that day to await the next hearing which was on set for 5/21/2021

8. So, on 5/19/2021 or 5/20/2021 (I forgot which day) I was called out of the dorm I was in and escorted to a video room for a zoom meeting with Kevin Gau and the previous black guy from pretrial services (Chunsey Hunter) for to interview to get all of the pretrial services questions answered by zoom screen . Kevin Gua appeared and the pretrial services guy appeared before me and began asking me personal questions about my social security number and I began telling him," I am a U.S. national and he became irritated in his demeanor so I quickly gave him the social security number I remembered ,my home address, where I worked ,my phone number ,my mom's name, if I owned my home and how long, if I had a mortgage on my home etc. . I was then escorted back to the dorm to await court.
9. On 5/21/2021 sometime between 6:30 and 9:00 I was transported back to court and brought in front of judge Welby and Linda Lane (prosecuting attorney) and another lady I recognized from the previous zoom meeting in front of a real live court setting .Judge Welby mentioned outload how good it was that he was actually back in a normal court room since the pandemic and asked where Kevin Gau was ,since he was not present during the meeting. So the prosecuting attorney Linda Lane began making phone calls to locate the public defender Kevin Gau. He finally showed up maybe 10-20 minutes later and court proceeded with Kevin Gua telling me I needed to read over the paperwork that was on the table in front of me and sign it on the last page. I read over the paperwork for prerelease and signed my name xaiviar brown with the term UCC1-308 next to my name which indicates me not giving up any of my legal rights by signing that document per the UIFORM COMMERCIAL CODE in which ALL institutions are secretly governed by. After I signed the document, I leaned over to Kevin Gau to tell him to ask the judge Welby if he had gotten my affidavit filed properly since the previous zoom court meeting like he had said he would .So Kevin Gau asked the judge openly if he had filed the last page of my affidavit properly ,and the judge said "no ,not yet"! Note: I mailed in my affidavit in response the indictment paperwork left in my locked mail box on 4/21/2021 by Joel Bingham (FBI agent) to all parties involved in my case by certified mail sent on 5/10/2021 ,which all parties received it on 5/11/2021 and as of 5/21/2021 the day of court the last page of my document which shows both my signature and the notary's signature with here seal had not been properly filed during the court bond hearing which is a violation of my Due Process of Rights . I was released and was told by Kevin Gau to go down to the 6th floor(I think) to pretrial services to submit to a ankle

monitor before I was to be released out of the building .So I did just that and was asked to sign some more paperwork which I signed UCC1-308 per the UNIFORM COMMERCIAL CODE in which all institutions are governed by as mentioned in my improperly filed affidavit .

10. So I was released with the ankle monitor sometime later that day and was contacted on my cell phone by Kevin Gau and told over my cell phone that finally, the last page of my affidavit I had mailed into the court dated on 5/11/2021 was just filed exiting the federal court building .

As of today 08/03/2021 the Affidavit of Special Appearance (filed on 05/11/2021) I sent by certified mail (by FedEx mail direct signature requested) into the clerk of courts challenging the lack of subject matter jurisdiction in response to the plaintiff's fraudulent complaint against me have not been responded to line by line point by point on the record (or off the record)which proves the plaintiffs lack of subject matter jurisdiction and lack of standing which was challenged in the Affidavit of Special appearance entered on 5/11/2021 received by the clerk of court (Kelley Shirley) on 05/11/2021 but was improperly filed on purpose by not including all 21 pages of the affidavit (the last pages of the affidavit which contains both my signature and the notary's notary page was not filed stamped copied into the record until approximately 10 days later) .The prosecuting attorney Linda Lane (Plaintiff) have not responded on the record to my jurisdictional challenge written inside of my Affidavit of Special Appearance as of today 8/2/2021. My affidavit was obviously improperly filed late on purpose by the clerk of court(Kelley Shirley)which is a violation of my due process of rights(5th amendment to the original constitution of the USA. OF THE REPUBLIC) in the attempt to deceive me into the belief that it wasn't a lawful or valid request supported by law and that the plaintiff has lawful jurisdiction to hear this case (case b# 4:21CR00259 RLW/SRW). I am currently under "extreme duress" and am in fear for my life and liberty while being detained unlawfully in my own home against my will and without having ever given voluntary contractual consent to the authorities who are responsible for the month-to-month pretrial services monitoring . The opposing parties on this case are all conspiring to coerce me into a guilty plea to fraudulent charges brought against me by the UNITED STATES OF AMERICA without the proof of subject matter jurisdiction and lack of standing which has not been proven ON THE RECORD in this case as of 8/3/2021. I also declare in this affidavit that there was no injured party present during the arraignment hearing to cross examine ,and that I was not given my voluntary right to affective counsel . Kevin Gau (Federal public defender) the public defender assigned to me by the court (without my consent) ,"does not ",and never have had my contractual voluntary consent(verbally or in writing) to represent me at any time in this case! I have repeatedly demanded on the phone and by email(I have proof of emails sent) to the public defender Kevin Gau to provide me proof of compelled performance by me without a contract in place and he has not provided me with proof of contract between him and I as of this day since he has been unlawfully appointed by the court to this case on 8/3/2021.I also declare in this affidavit that I have repeatedly requested Kevin Gua to file my lawful motion with supporting affidavit into the court of record challenging the jurisdiction of the court and the plaintiff but he refuses to under any circumstances . Kevin Gua has refused to challenge the plaintiff's jurisdiction on the record ,stating ,he believes the plaintiff definitely has subject matter jurisdiction which shows me (xaiviar brown) that his legal loyalty is for the plaintiff and not me the defendant in this case! **Once jurisdiction is challenged**

it must be proven Hagens v. Lavine, 415 U.S. 533, note 3" "Where there is no jurisdiction there is no judge; the proceeding is a nothing. Such has been the law from the days of Marshalsea, 10 Coke 68; also Bradley v. Fischer, 13 335,351. Manning v. Ketchum, 58f.2d 948 I have demanded since the beginning of this case that Kevin Gau challenge the courts /plaintiffs jurisdiction and standing on the record to no avail so I am requesting him to withdraw off of this case ! He has failed to put on a lawful defense against the plaintiff in this case ! I am in fear of my life and liberty every day while being unlawfully detained in my own home against my will and without my voluntary contractual consent from the pretrial services officers who demands to see me inside of my home without any witnesses present to monitor their behavior while entering my home once a month to observe both the electronics devices installed on my left ankle involuntarily and in my bedroom !! I declare under the oath of perjury that I am from the house of brown (NOT a US 1C) and I am not a citizen of the USA Republic I have NEVER given any opposing party involved in this case, lawful or voluntary contractual consent to detain my body (which is my personal property given to me by the creator) without being under duress or coerced to under pressure for fear of being permanently detained and incarcerated and lost in the judicial detention system for convicted criminals !

FURTHER AFFIANT SAITH NOT.

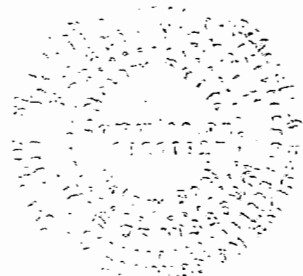
I declare under the penalty of bearing false witness before God and as recognized under the laws in and for The State of Missouri, the Laws of the United States of America, acting with sincere intent and full standing in law, do herewith certify and state that the foregoing contents are true, correct, complete, certain, admissible as evidence, and not intended to mislead anyone, and that xaiviar Brown executes this document in accordance with best knowledge and understanding without dishonor, without recourse; with All rights reserved, without prejudice.

Done this 4 day of August in the year 2021, under penalty of perjury under the laws of the United States of America.

Xaiviar Brown
xaiviar Brown

SUBSCRIBED AND SWORN to this 4 day of, August, 2021.

Felecia Hickman
Notary Public; in and for _____
St. Louis Mo.
Felecia Hickman



MISSOURI ACKNOWLEDGMENT
RSMo. 486.750

State of Missouri

County (and/or City) of St. Louis } ss.

On this 4 day of August, 2021, before me, the undersigned
Day Month Year
 notary, personally appeared XAVIER BROWN
Name of Document Signer

☐ personally known to me☒ proved to me through identification documents, which were Driver License (MO)☐ proved to me on the oath or affirmation of _____, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,)

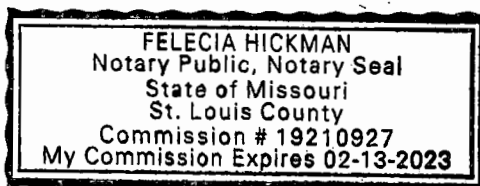
☐ proved to me on the oath or affirmation of _____ and _____, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,)

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose

(as partner for N/A a partnership.)(as N/A for N/A a corporation.)(as attorney in fact for N/A the principal.)

(as _____ for _____, (a)(the) _____.)

Felecia Hickman
 Official Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Affidavit of Fact and TruthDocument Date: 8-4-2021 Number of Pages: 9Signer(s) Other Than Named Above: Felecia Hickman